

**UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt  
Clerk

100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000  
[www.ca6.uscourts.gov](http://www.ca6.uscourts.gov)

Filed: September 12, 2017

Mr. Michael Lewis Ericksen  
Law Office  
8376 Huntington Road  
Huntington Woods, MI 48070

Ms. Patricia Gaedeke  
United States Attorneys Office  
Eastern District of Michigan  
211 W. Fort Street  
Suite 2001  
Detroit, MI 48226

Re: Case No. 17-1526, *John Doe, et al v. USA*  
Originating Case No. : 2:16-cv-13038

Dear Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jennifer Earl  
Case Manager  
Direct Dial No. 513-564-7066

cc: Mr. David J. Weaver

Enclosure

No. 17-1526

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

DANIEL ERICKSEN; MICHAEL LEWIS  
ERICKSEN,

Plaintiffs-Appellants,

v.

UNITED STATES OF AMERICA,

Defendant-Appellee.

)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**FILED**  
Sep 12, 2017  
DEBORAH S. HUNT, Clerk

ORDER

Before: GUY, BATCHELDER, and COOK, Circuit Judges.

The plaintiffs, under the names of John Doe and Michael Ericksen, filed an appeal from the dismissal of their action under the Federal Torts Claims Act arising from stops and searches at a United States and Canadian border. On January 20, 2017, the district court denied Daniel Ericksen's motion to proceed anonymously, and the dismissal order and final judgment were captioned with Daniel Ericksen as one of the plaintiffs. The plaintiffs do not challenge the January 20 order in their appellate brief filed on June 19, 2017.

The government moves to reform the caption of the appeal to reflect that Daniel Ericksen is not litigating under a pseudonym or, in the alternative, to dismiss the appeal by John Doe. The plaintiffs assert that because the district court did not direct the clerk of that court to amend the case caption, the caption of the appeal correctly reflects the district court caption.

No. 17-1526

-2-

Federal Rule of Civil Procedure 10(a) provides that “[t]he title of the complaint must name all parties.” *See Doe v. Porter*, 370 F.3d 558, 560 (6th Cir. 2004) (“As a general matter, a complaint must state the names of all parties.”) A party may not proceed anonymously in the absence of permission by the court. *See Citizens for a Strong Ohio v. Marsh*, 123 F. App’x 630, 637 (6th Cir. 2005) (noting that the “[f]ailure to seek permission to proceed under a pseudonym is fatal to an anonymous plaintiff’s case . . .”). Daniel Ericksen does not have permission to proceed under a pseudonym, and his appeal does not challenge the denial of permission to do so. The case caption should be corrected to reflect that Daniel Ericksen is a plaintiff-appellant.

The government’s motion is **GRANTED** in part. The clerk is directed to amend the caption to substitute Daniel Ericksen for John Doe and to list Daniel Ericksen as a party to the appeal.

ENTERED BY ORDER OF THE COURT



---

Deborah S. Hunt, Clerk